

Mediated Procedure for Cooperative Boundary Plans

Factsheet



Wisconsin statute section [66.0307\(4m\)](#) provides for an alternative procedure for a community to create a boundary agreement with one or more of their municipal neighbors who may not be as inclined or interested in cooperation or “coming to the table” to resolve or prevent an intergovernmental conflict. Rather than being limited by this unwillingness, the mediated cooperative boundary plan procedure provides these communities the opportunity to petition their unwilling neighbors to get together and mediate boundary, land use, service, and any other important community issues. The ultimate goal is for this mediation to result in consensus and a cooperative boundary agreement. However, at a minimum it can bring communities together to at least discuss their issues and or disagreements. If these municipal neighbors refuse to “come to the table” then certain penalties are imposed.

FACT

The mediated procedure was created as part of [2007 Wisconsin Act 43](#), which took effect on January 18, 2008. It is intended to increase the number of boundary agreements in Wisconsin. The act can be found at the Municipal Boundary Review program web site at: doa.wi.gov/MunicipalBoundaryReview

Eligibility:

A city, village, or town may petition a municipal neighbor for mediation if they:

- ▶ adopt a resolution under [s. 66.0307\(4\)\(a\) Wis. Stats.](#) authorizing participation in developing a cooperative boundary plan;
- ▶ request in writing their municipal neighbor to also adopt an authorizing resolution under [s. 66.0307\(4\)\(a\) Wis. Stats.](#), and their neighbor fails to do so within 60 days of the request; and
- ▶ have an adopted comprehensive plan.

The Petition:

A community that meet these eligibility requirements may then submit a petition to the



Department of Administration (DOA) again requesting their unwilling municipal neighbor to participate in mediation to develop a cooperative boundary plan. The community must submit this petition within 90 days after adopting its authorizing resolution. Upon receiving this petition, DOA immediately notifies the unwilling municipal neighbor that a petition has been received requesting their participation in a mediation. This municipal neighbor then has 45 days in which to declare whether or not they will participate. Failure to respond at all is taken to mean that the municipality does

not agree to engage in mediation. DOA notifies the petitioning community as to whether or not its neighbor has decided to participate in a mediation.

The Mediation:

If the neighboring municipality does agree to “come to the table” and participate in a mediation, the two communities select a mediator. If they are unable to agree on a mediator, the department may assist by providing a list of 5 choices. After evaluating qualifications of the 5 mediators, the communities alternatively strike names from the list until one mediator remains. Costs of the mediation are shared equally, unless agreed otherwise, and the mediation period expires after 270 days, unless the communities agree to extend it.

TIP: How to find a mediator?

To assist communities in locating a qualified mediator, the Department of Administration maintains a roster of qualified professionals on its web site at:

doa.wi.gov/MunicipalBoundaryReview

The mediator and each of the participating communities may meet one or more times, working to understand each community’s respective positions, goals, needs each other reach agreement. If the communities reach agreement, then the same adoption process applies as with adopting a conventional cooperative boundary plan, including a public hearing, adopting resolutions, and review and approval by DOA.

Consequences of Refusal:

Refusal to participate in mediation results in specific consequences or sanctions. However, these sanctions cease if the municipality later decides to cooperate. If the refusing municipality is a town, that town may not contest any statutory form of annexation of its territory to the petitioning city or village for a period of 270 days or until the town agrees to engage in mediation, whichever period is shorter. Current law already prohibits towns from challenging unanimous consent type annexations under [s. 66.0217\(2\) Wis. Stats.](#), however, this sanction would temporarily prevent the town from contesting any and all types of annexations.

If the refusing municipality is a city or village, the consequence is that DOA will review all types of annexations of territory to the city or village from the petitioning town. Normally, DOA reviews only unanimous consent and one-half approval type annexations, and also only reviews within those counties having a population of 50,000 or more. However, refusal to mediate requires DOA to review for 270 days all annexations, regardless of whether the city or village is located in a populous county. Furthermore, if DOA finds the annexation to be ‘not in the public interest’, the town may contest the annexation in court, even if it is a unanimous consent type of annexation that would normally not be challengeable.

🔔 FACT

Municipalities petitioning for mediation must wait at least 3 years before attempting mediation again with the same neighbor.

If both parties do come to the table, and the mediation is successful, then the standard process for adopting a cooperative boundary plan under [s. 66.0307 Wis. Stats.](#) applies.